D.B.CIVIL SPECIAL APPEAL(WRIT) NO.789/2002
State of Rajasthan & Anr. Vs. Jai Prakash & Anr.

DATE OF ORDER:22.05.2006

HON'BLE MR.JUSTICE N.N.MATHUR
HON'BLE MR.JUSTICE MANAK MOHTA

Mr.Sangeet Lodha for the appellants

BY THE COURT(PER HON'BLE MR.MATHUR J.)

We have heard learned counsel for the appellants and perused the impugned order of the learned Single Judge. The second respondent Durga Ram was appointed as Class IV employee on 8.10.76 in the Department of Commercial Taxes, Rajasthan. He was promoted as L.D.C. by order of the Dy.Commissioner, Commercial Taxes dated 14.7.86 . The said order was challenged by the first respondent Jai Prakash before the Rajasthan Civil Services Appellate Tribunal, Rajasthan, Jaipur (hereinafter referred to as the Tribunal). The appeal was allowed by the order of the Tribunal dated 25.6.90. the Tribunal held the first respondent Jai Prakash eligible for promotion on the post of L.D.C. against the quota reserved for Class IV servants. Consequently, the Tribunal directed to consider the suitability of Jai Prakash for his promotion in accordance with the Rules. It was further observed that if he was found suitable to promote him on the post of L.D.C. He will be given promotion from the

date his junior private respondent Durga Ram was promoted. The said order was challenged by the State Government by way of writ petition.

The learned Single Judge dismissed the writ petition in view of the controversy being concluded by a decision of this Court rendered in Hanuman Lal Harijan vs. State of Rajasthan reported in 1997(3) WLC(Raj.) 142. We are not inclined to interfere in the matter as the Tribunal passed the order as back as in the year 1990. There was no interim order staying the order of the Tribunal at any stage. No serious prejudice is likely to be caused to any of the parties, if the order of the Tribunal is to be carried out. Both the respondents have been given promotion. The special Appeal stands dismissed.

(MANAK MOHTA) J. **(N.N.MATHUR) J.**

BKS/-